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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-ninth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Alfonso Martínez, Mr. Ali Khan, Mr. El-Hajjé,
Mr. Khalil and Mr. Mehedi: draft resolution

1997/... Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of war victims, of the

principles and provisions of international law, and of the obligations arising from the Regulations concerning the Laws and Customs of War on Lands, annexed to the Hague Convention IV of 1907,

Affirming the distinction between terrorism and the legitimate right of peoples to resist foreign occupation,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, on the Palestinian and other Arab territories occupied by Israel since 1967,

Deeply alarmed at the non-respect by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the failure to apply it to the Palestinians in the occupied Palestinian territory and to civilian persons in other occupied Arab territories,

Deeply concerned also at the decisions of the Israeli High Court of Justice of 11 January 1996 and 17 November 1996, legalizing the torture of Palestinians,

Deeply alarmed at the recent and most serious violations of human rights in the Palestinian and other occupied territories, and in particular the continued building of Israeli settlements in the occupied Palestinian territories, including Jerusalem, and the occupied Syrian Golan, and the continued detention of over four thousand Palestinians in Israeli prisons without trial,

Deeply concerned at the serious obstacles that such violations create for the peace process in the Middle East, as well as at Israel's reneging of the basis and principles of the Madrid Peace Conference,

Deeply concerned also at the most recent Israeli measures against the Palestinian people in the territories of the Palestinian authority and others, which constitute violations of human rights and of the agreements signed by the Government of Israel and the Palestine Liberation Organization,

1. Reaffirms that the recent human rights violations, in particular the persistence of Israel in maintaining and expanding its settlements and establishing new ones, are contrary to and endanger the peace process;

2. Condemns terrorism in all its forms and manifestations, including State terrorism;

3. Calls upon the Government of Israel to stop immediately all the measures taken against the Palestinian people and the Palestinian Authority;

4. Also calls upon the Government of Israel, in the light of the most dangerous situation now existing in the Middle East resulting from Israel's refusal to comply with Security Council resolution 497 (1981) and all resolutions of the General Assembly and the Commission on Human Rights relative to the occupied Syrian Golan, to desist from changing the physical character, demographic composition, institutional structure and the legal status of the occupied Syrian Golan, which constitute gross violations of the human rights and fundamental freedoms of the citizens of the Syrian Arab Republic in the occupied Syrian Golan;

5. Affirms that the realization of a comprehensive and just peace in the Middle East requires the complete withdrawal of Israel from all occupied Palestinian territory, including Jerusalem, enabling the Palestinian people to exercise their rights to self-determination and to establish their independent State, the complete withdrawal of Israel from the occupied Syrian Golan and the complete and unconditional withdrawal of Israel from the south of Lebanon and West Bekaa, in conformity with Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and in accordance with the principle of land for peace;

6. Requests the Secretary-General to provide the Sub-Commission, at its fiftieth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations resolutions and decisions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.